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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,894	04/17/2001	John E. Armstrong	75637/11931 6547 EXAMINER	
23380	7590 08/04/2005			
TUCKER, ELLIS & WEST LLP			BACKER, FIRMIN	
	1150 HUNTINGTON BUILDING 925 EUCLID AVENUE		ART UNIT	PAPER NUMBER
CLEVELAN	ND, OH 44115-1475		3621	
			DATE MAILED: 08/04/2009	5

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL	Application No.	Applicant(s)				
Office Action Summary	09/836,894	ARMSTRONG ET AL. Art Unit				
,	Examiner					
The MAILING DATE of this communication ap	Firmin Backer	3621				
Period for Reply	pears on the cover sheet with the t	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a replif NO period for reply specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 22 F	ebruary 2005.					
						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
•	en parto quajio, 1000 o.b. 11, 40	0.0.210.				
Disposition of Claims						
	Claim(s) 6-59 and 83-86 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
	Claim(s) <u>6-59 and 83-86</u> is/are rejected.					
	· · · · · · · · · · · · · · · · · · ·					
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers						
9) The specification is objected to by the Examine	er.	·				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
•						
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority document	ts have been received.					
2. Certified copies of the priority document		,				
3. Copies of the certified copies of the prior	·	ed in this National Stage				
application from the International Burea	` '''					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	nte				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	atent Application (PTO-152)				

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 22nd, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 6-59 and 83-86 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 6-59 and 83-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarpenning et al (U.S. PG Pub No. 20020007454).

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- 5. As per claims 6, Tarpenning et al teach a method/system/computer usable medium for exchanging data between an initiator and a responder, comprising sending a session request package from the initiator to the responder; sending a session confirm from the responder to the initiator; generating a first key pair by the responder, the first key pair comprising a responder public key and a responder private key, sending a key request from the initiator to the responder the session confirm comprising the initiator public key; generating a first key pair by the initiator, the first key pair comprising a initiator public key and a responder private key confirming the initiator's key request has been encoded correctly by the responder; sending a key confirm from the responder to the initiator; confirming the responder's key confirm has been encoded correctly by the initiator; sending a data package by the initiator to the responder; replying with a package confirm by the responder to the initiator; and, repeating the sending a data package step and replying step until the initiator sends an end request (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 6. As per claims 7, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session request package comprises the initiator's IP address and profile data (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 7. As per claims 8, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm step comprises the step of generating a new session key pair having a responder's public session key (see paragraphs 0014, 0027, 0034, 0035, 0042).

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- 8. As per claims 9, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the session key pair; the responder's public session key; the responder's profile data (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 9. As per claims 10, Tarpenning et al teach a method/system/computer usable medium for exchanging data the key request comprises: the initiator's public session key; the initiator's profile data (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 10. As per claims 11, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the responder's public session key (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 11. As per claims 12, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the key request is encoded with the responder's public session key (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 12. As per claims 13, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the initiator's key request comprises decoding the key request; and, verifying the key request is properly formatted (see paragraphs 0014, 0027, 0034, 0035, 0042).

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- 13. As per claims 14, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the responder's key confirm comprises decoding the key confirm, and verifying the key confirm is properly formatted (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 14. As per claims 15, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the sending a data package comprises converting the data from its original format to a standardized format (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 15. As per claims 16, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the replying comprises converting the data from the standardized format to a format used by the responder (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 16. As per claims 17, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the standardized format is EDI (see paragraphs 0014, 0027, 0034, 0035, 0042).
- 17. As per claim 18-59 and 83-86 they disclose same inventive concept as claims 6-17. Therefore they are rejected under the same rationale as claim 6-17.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firmin Backer
Primary Examiner
Art Unit 3621

August 3, 2005